

HEARING ON THE NOMINATION OF MICHAEL CONNOR TO BE ASSISTANT
SECRETARY OF THE ARMY FOR CIVIL WORKS, UNITED STATES DEPARTMENT
OF DEFENSE

Wednesday, July 14, 2021

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 9:50 a.m., in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Markey, Duckworth, Stabenow, Padilla, Inhofe, Cramer, Boozman, Sullivan, Ernst.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. I just want to thank everyone for being here and allowing us to get off to a good start today.

I would just say to our guests, if some of our colleagues get up and leave, it is not because they are not interested in what you have to say, nor the importance of your job for which you have been nominated. But we all serve on three, four, five committees, and they are trying to cover a lot of bases all at once. We will let them.

Now, unless there is an objection, I am going to turn the page and move on to our hearing.

I would like to invite our witness, Michael Connor, to the table, please.

Mr. Connor has been joined by his wife of how many years? This is your first question.

Mr. Connor. Thirty-two and counting, Mr. Chairman.

Senator Carper. Thirty-five right here, and my wife says it is the happiest five years of her life.

We thank your wife for joining you today. Thank you for sharing your husband with us, and I especially thank your daughter. You may want to introduce her as well.

As I mentioned earlier, President Biden has nominated Mr. Connor to be his Assistant Secretary of the Army for Civil

Works. If confirmed to this office, Mr. Connor's duties will include overseeing the U.S. Army Corps of Engineers. Among its many areas of responsibility, the Corps is responsible for responding to and reducing the likelihood of flood damage and restoring our degraded ecosystems.

The Corps' Civil Works Program includes the construction, operation, and maintenance of our Nation's ports and inland waterways, which are the gateway to both domestic and international commerce. It also includes shoreline and coastal protections for the areas of our Country dramatically affected by large bodies of water.

Mr. Connor comes to this nomination with years of public service experience, having served as staff to the Senate Committee on Energy and Natural Resources, our sister committee, and as Senior Leader at the Department of Interior. Who was the Secretary? Was Ken Salazar the Secretary when you were there?

Mr. Connor. Ken Salazar was the Secretary, then Sally Jewell.

Senator Carper. Old colleague and friend. From 2009 to 2014, Mr. Connor led the Bureau of Reclamation as its commission, and from 2014 to 2017, he served as the Deputy Secretary of the Interior. Mr. Connor is now a partner at WilmerHale Law Firm.

Mr. Connor, we welcome you, and we invite you to please

proceed with your testimony.

[The prepared statement of Senator Carper follows:]

STATEMENT OF MICHAEL CONNOR, NOMINATED TO BE ASSISTANT SECRETARY
OF THE ARMY FOR CIVIL WORKS, DEPARTMENT OF DEFENSE

Mr. Connor. Thank you. Chairman Carper, Ranking Member Capito, distinguished members of the committee, I am honored to appear before you today as President Biden's nominee to be the Assistant Secretary of the Army for Civil Works. I am grateful and appreciative of your consideration of my nomination.

Mr. Chairman, I think I missed my cue earlier, so I will take care of that now. Thank you for the opportunity to recognize my wife Shari and my daughter, Gabriela.

Senator Carper. Gabriela, I love that name. That is such a beautiful name.

Mr. Connor. They, along with my son Matthew, who couldn't be here today, have made sacrifices that have allowed me the opportunity to engage in public service for many years, so I continue to deeply appreciate their support.

The Assistant Secretary of the Army for Civil Works is an important position under any circumstances, given the responsibilities of the Corps of Engineers for infrastructure, ecosystem health, maintaining waterways, managing flood risks, and protecting wetlands. These are incredibly important functions for communities across the Nation.

Today, these responsibilities take on new significance amid the backdrop of a pandemic-impacted economy. We must also build

resiliency in the face of climate change, while also ensuring equity amongst the communities being served.

I am humbled to be nominated to work with the military leadership of the Corps and the talented civilian workforce to carry out these important responsibilities. I also believe I am well prepared to address the challenges ahead, given my extensive experience both inside and outside of government.

As a former Deputy Secretary of the Interior and Commissioner of the Bureau of Reclamation, I directed strategy and managed a large Federal waterway resources agency responsible for programs and facilities similar to those of the Corps. These positions also provided significant management experience.

As the Chief Operating Officer of the Interior, I was responsible for 70,000 employees and an annual budget in excess of \$13 billion. At Reclamation, I managed over 5,000 employees with an annual budget in excess of \$1 billion.

My prior positions also provided extensive experience working directly with the Corps of Engineers. At Reclamation, we collaborated in developing climate resilience strategies, coordinating flood control and water management operations, protecting endangered species and engaging in river restoration, and advancing dam safety risk management efforts.

As Deputy Secretary, I worked with the Corps in its role as

a regulator, and even collaborated on an international issue involving some poorly maintained infrastructure that was impacting the United States' interests in the Middle East.

As council to the Senate Energy and Natural Resources Committee, I didn't stay in my lane, and I worked on numerous initiatives regulated to the Corps.

I believe this experience, coupled with my background as both an engineer and a lawyer, provide a unique set of qualifications to be an effective Assistant Secretary of the Army.

If confirmed, my personal background will also inform my views, as I oversee the vast responsibilities associated with the Corps. I grew up in New Mexico, a State rich in natural resources, with the exception of water. I am proud of my Native American heritage and the fact that my grandfather was a leader within Taos Pueblo working to protect the Tribe's water rights and its cultural resources.

My childhood home in Las Cruces, New Mexico is located across the street from a major irrigation canal that was constructed with Federal assistance, and it serves a large agricultural area. I grew up witnessing the important role the Federal Government plays in supporting and protecting the economic foundation of many communities while also providing access to the recreational resources that enhance the quality of

life for our citizens.

If confirmed, I will be focused and committed to the work necessary to fulfill my responsibilities and challenges facing the Corps and its stakeholders, your constituents.

Of course, the Corps cannot be successful on its own, and my years of public service have reinforced the importance of collaboration. I commit to this task with a sense of humility and a keen understanding of the need to work with State and local leaders, the public, affected stakeholders, and members of Congress to most effectively carry out the Corps' mission. I am equally committed to increasing coordination within the Federal Government, a whole of government approach that is more effective and efficient in addressing the effects of a changing landscape across the Country.

Finally, with your support, I will be proud to join a department led by Secretary Austin, Deputy Secretary Hicks, and Secretary Wormuth, who have made clear their intent to lead with transparency, integrity, and the highest ethical standards in carrying out the Defense Department's and the Army's vital missions. I am equally committed to these principles.

Thank you for the opportunity to address the committee, and I look forward to your questions.

Senator Carper. Again, welcome.

I want to begin the questioning of our witness today by noting that Senator Capito and I have agreed to five-minute rounds of questions, with additional rounds at the discretion of the chair, with her concurrence. To begin, this committee has three, as you many know, has three standing yes or no questions that we ask of all nominees who appear before us. I will ask those questions of you now. If you screw these up, we will just call it an early morning. I don't think you will.

First question: do you agree that, if confirmed to appear before this committee or designated members of this committee and other appropriate committees of the Congress and provide information subject to appropriate and necessary security protections with respect to your responsibilities? Do you agree?

Mr. Connor. Yes.

Senator Carper. So far, so good. Second question: do you agree to ensure that testimony briefings, documents, and electronic and other forms of communication with information are provided to this committee and its staff and other appropriate committees in a timely manner? Do you agree?

Mr. Connor. Yes, I do.

Senator Carper. Thank you. Do you know of any matters which you may or may not have disclosed that might place you in

a conflict of interest if you are confirmed? Do you?

Mr. Connor. No.

Senator Carper. Good. Okay, my first questions would be dealing a little with your experience with the Department of Interior. Your experience with the Department of Interior, including the Bureau of Reclamation, was largely focused on issues that affect the Western U.S., including energy conservation and climate change.

The question is this: please tell us about your experience with coastal programs and what would be your approach in prioritizing water infrastructure projects to address coastal needs as well as the rural and inland needs of our Country?

Mr. Connor. Thank you, Mr. Chairman. I certainly have experience dealing with coastal issues as it related to Reclamations programs and water resources issues. That is probably one of the biggest differences, though, between Reclamations' mission and the Corps of Engineers' mission, is the amount of coastal work.

So most of my experience in the coastal arena has to do with work I did as Deputy Secretary related to our facilities and national parks, other initiatives related to coastal issues, dealing with erosion, coastal surge issues, and my work as a member of the Restore Council in the aftermath of Deepwater Horizon. Looking at the number of projects and the funding that

was available to do just that, restore areas of the coast which was protecting our coastal facilities, building up wetlands, addressing coastal surge issues, making the investments necessary to fortify our coast in face of the issues associated with climate change, long-term resilience, as well as the restoration efforts out in the Gulf of Mexico that were necessary.

I feel I have a general and fairly good understanding and some history in dealing with those coastal issues, recognizing that the Corps' mission, in particular, is founded in great part on ports and those waterways and now, coastal protection issues in the face of a changing climate and the resiliency needed as we protect beaches, as we look at erosion issues, as we try and, once again, deal with and adapt to the changes that are occurring in our environment.

Senator Carper. I am told that you are a quick study, and we are counting on that to be the case, especially as you come up to speed on coastal issues, which a number of us, looking to my left, and even over here on my far left, with the Great Lakes, a lot of interest in both sides on these issues. Thank you.

Second question. Recently, there has been a lot of discussion regarding the method used to calculate the benefit to cost ratio. We talked a little bit about this when we were

together on the phone, but a lot of discussion regarding the method used to calculate the benefit to cost ratio and the omission of benefits that are hard to quantify.

For example, a benefit to cost ratio does not account for savings associated with not having to provide emergency response when proposed project functions as intended. The benefit to cost ratio also fails to really capture long-term environmental benefits and tertiary economic benefits.

Here is my question: what other factors should be considered in identifying project benefits in order for initiatives to move forward, and how should the Corps better prioritize projects to reflect all of the benefits?

Mr. Connor. Thank you, Senator. That is a question that folks have been wrestling with for quite a while, now, how to assess the full range of benefits associated with any projects. We understand the costs with most projects, not that we always estimate them accurately upfront.

But with respect to evaluating benefits, I think it is important to keep in front of us the economic returns that we expect, but there are, particularly in multifaceted projects, and all of our projects should be looking at multiple purposes these days, there are ecosystems benefits. There are communities of need, and the protection of those communities that, in valuing the land associated with the protections that

are going to be in place with this specific project, it is not equitable to consider just the pure value ascribed through some appraisal process that doesn't recognize the need.

I think all of these factors need to be assessed. We need to better understand, and really, there is huge economic value to ecosystem services that I don't think we have properly valued to date. Then there is the local, regional benefits associated with communities of need that need to be integrated into that benefit-cost formula.

I see, based on the direction where this Administration is going, based on the direction Congress has currently gone in the last Water Resources Development Act, that there is direction for the Corps to better account for the value of those benefits. I am fully supportive of those efforts in working on that, if I am confirmed.

Senator Carper. Thanks so much. Senator Capito?

Senator Capito. Thank you, Mr. Chairman.

Thank you, Mr. Connor. Thank you for your willingness to serve. I certainly appreciate that.

My first question was going to be very similar to what the Chairman asked in that your prior experience has been at the Bureau of Reclamation. There are certain areas, obviously, that the Corps of Navigation and Flight Risk Management, that are areas of Corps responsibility that you didn't really actually

deal with over at Reclamation. I didn't know if you wanted to address that issue more deeply, how you are going to get up to speed on that. Obviously, you have already done a lot of research in that area.

Mr. Connor. Sure, Senator, thank you. There was an overlap. Certainly, the Bureau of Reclamations' mission with respect to water supply, in particular, is fairly unique, although the Corps does have water supply responsibilities. I talked to Senator Cramer about that.

Also, there is lots of overlap, and I do think where that experience will pay off particularly in flight risk management. Part of the fundamental mission of the Bureau of Reclamations was also flight control. I worked very closely in the Central Valley of California, with respect to Folsom Dam on a coordinated flood management program, fortification of that dam and its spillway, with the Corps jointly managing the construction project, and the river restoration, the aquatic ecosystem restoration program that the Corps has.

In partnership, we did work with the Corps at the Bureau of Reclamation and on its own, Reclamation had also said that similar significant river restoration opportunity, so I think there is a lot of parallels and experience that will directly apply. As I mentioned, there are areas where I need to get up to speed. I will just mention one of the hydropower, obviously,

was very, very similar in the approach that we had to take to manage that resource, deal with changing effects of a fluctuating water supply these days, and that will be similar with the Corps.

Senator Capito. Right. That is going to be critical now. On the flood risk management, we had a terrible flood in 2016. I might have mentioned this on the phone with you that took 23 lives and destroyed more than a thousand homes in West Virginia. The Corps has been very active to try to help up prevent such things as happen. I did put initial funding into the Canal River Basin Feasibility Study to determine what additional projects might be needed to improve this flood risk management, so I am going to ask you today, will you continue to work with me on that to initiate this study?

Mr. Connor. Absolutely.

Senator Capito. Thank you. We did talk on the phone about the length of time it takes for certain permitting. By the time you get all the different agencies and different coordinations between State and local and Federal, I guess my question is not so much the length of time, but in your experience, do you think that States are capable of protecting environmental resources such as water resources within their own borders? How do you see that interplay of cooperative federalism playing out?

Mr. Connor. I think the easiest answer is yes, States are

fully capable of protecting their water resources. At the same time, we obviously have a system where there are State laws that apply, there are State responsibilities under Federal law, and there are Federal responsibilities, so we have to improve that cooperative federalism. It is absolutely critical. I am a very strong proponent of making our permitting processes as efficient as possible. Given the challenges that we face, we need to make decisions. We need to work collaboratively with State and local communities, and we need to sync up, particularly amongst Federal agencies. I was a member of the Fast 41 Task Force that worked on permitting efficiencies. We need to keep the thoroughness of the reviews, but there is lost time, and the lack of coordination. We need to improve upon that at the Federal level, and then take that to the next step, work in partnership with the States.

Senator Capito. I certainly agree with that. When you look at the different agencies that weigh in on whatever project, that might be Fish and Wildlife, EPA, the Corps, by the time you go through the permitting process of all that, you are into years, and years not only don't solve the problem, but they also cost a lot of money at the same time, and a lot of people walk away from projects at certain periods of time because they obviously can't afford to stay in the process, so however we can help you with that, we'd certainly like to see the thoroughness

there, but also the timeliness at the same time.

My last question for right now is on the WOTUS rule. I mentioned it in my opening statement. I know you are not at the Corps yet, but the rationale for taking the WOTUS regulation, we obviously saw it in court all over the Country, with sort of mixed results in terms of who is acting under it, who isn't. A lot of confusion for a lot of different range, whether it is personal gold courses, agriculture, whatever it might be.

So, what challenges do you think the Corps will face, including related to obtaining permits for Corps projects if a new WOTUS definition is finalized that is more expansive than the 2015 rule?

Mr. Connor. Well, the rule, Senator, has changed so many times over the years that I am not sure the challenges are going to be any different. We need to have a clear definition of waters of the U.S., one that is protective, as it should be, under the Clean Water Act, but one that provides clarity and, I think, the goal, from what I understand in embarking upon a new rule is to work very closely with the affected parties under that rule, and so my goal would be to have a clear rule that have enough level of input that hopefully we can get out of this litigation cycle and that we can move on with a rule that is going to be in place for a number of years. That should be the goal. That will do the most, I think, to help the Corps in its

permitting ability and its responsibilities for making jurisdictional determinations if we have some clarity and we have some longevity to the next rule, and that is going to require some collaboration, working with stakeholders, and I believe that is the game plan.

Senator Capito. Thank you. We will be watching that, and I appreciate your input on that. Thank you.

Mr. Connor. Yes.

Senator Carper. Thanks, Senator Capito. Now, I want to turn to Senator Whitehouse.

Senator Whitehouse. Thank you, Chairman. Welcome, Mr. Connor. It is good to have you with us, and I appreciate very much the dedication and the skill that you have shown in your service. You and I don't have any problems, but I have a big problem with the organization that you are going to come into. I apologize for loading this onto you, but did you ever see the movie 'Groundhog Day'?

Mr. Connor. Yes, sir.

Senator Whitehouse. So, every morning, Bill Murray wakes up, and it is the same damn morning, over and over and over again. I have been on the Army Corps on this issue for years, back to the Obama Administration, through the Trump Administration, and we get some happy talk from people when they are at the table here, and then after that, complete blowoff.

Complete disinterest. The two issues that concern me, one is quite a simple one, and that is getting answers and getting Congressional mandates paid attention to. The Army Corps seems to believe that when we pass a law that instructs the Army Corps to do something, that is an optional, faint suggestion, maybe to be listened to, if it is convenient and consistent with other internal bureaucratic goals of the Army Corps.

I think that has to stop. Mr. Chairman, I think we have got to work out some kind of an operating protocol between this committee and the Army Corps so that the things that we instruct as elected representatives the Army Corps to do actually get done. That is point A.

Point B, as a coastal State Senator, all right? Our chairman, I will just go down my side. Our chairman is a coastal State Senator. Senator Cardin is a coastal State Senator. I am a coastal State Senator. Senator Merkley is a coastal State Senator, Senator Markey is a coastal State Senator, Senator Padilla is a coastal State Senator. If you throw in the Great Lakes, you pick up Senator Stabenow, and you pick up Senator Duckworth.

I have been hollering at the Army Corps for years about your flood and coastal damage reduction fund. Flood and coastal damage reduction fund. Do you know how much of the flood and coastal damage reduction fund actually goes to coastal?

Mr. Connor. A very small amount, from my understanding.

Senator Whitehouse. A very small amount. In a bad year, it is \$120 for inland for every \$1 for coastal, so less than 1 percent in a bad year. We are operating right now under a proposal where it would be 45 to 1. Help me with the math here: 45 to 1 on a percentage basis, I think that translates to about 97 plus percent to inland, and 2 percent and some change to coastal.

In your answer to Senator Carper, you talked about your awareness of all these coastal issues that we are facing. We are looking at nine feet of sea level rise in Rhode Island by the end of the century. We are looking at having to redraw the maps of my State because of sea level rise. We are looking at dramatic changes in the fisheries, dramatic changes in storm risk, our coasts are in dire distress, and the Army Corps blunders on, just completely obtuse to that risk.

Year after year after year, treating coastal, it is not even a stepchild. It is like, you can root in the garbage and see if you can find something, but we are going to feed everything, all of our interest goes to inland.

I have to tell you, Mr. Connor, this is too many groundhog days. I am sorry that this is you at this moment, but I need some resolution of this with your organization. I cannot go forward with this enormous fund that is so important to coastal

health, the Flood and Coastal Damage Reduction Fund, getting 1 or 2 percent of its funding for all of America's coasts. Our Pacific coasts, our Gulf Coasts, our Mid-Atlantic Coasts, all of Florida, our northeastern coasts, all of them share 1 to 2 percent of this fund, while inland soaks up 97 percent, 98 percent. Is that not indefensible, in this day and age, knowing the risks that our coasts face?

Mr. Connor. Well, Senator, I hear your concern. I have read your letter. It sounds like step one is the answer as to why. Why is the funding allocated in the way it is?

Senator Whitehouse. I actually don't care very much about why. I want finito. I want it stopped. I want some balance. If "why" helps us get to balance, then I would be interested in why, but I don't want a lot of "why" that gives us year after year after year after year of coasts getting essentially frozen out of the Coastal Damage Reduction Fund. I think that is a reasonable request.

I am sorry that this is my, like, umpteenth Groundhog Day and that you have to be here on this particular groundhog morning, but I am done with putting up with this, and I am done with the non-responsiveness of the Army Corps to this flagrant misallocation of resources.

Mr. Connor. Senator, I will understand that why so that I can get to you to the how, which is how we make those changes

that you are requesting, and I am fully committed to the idea of resiliency cuts across every program of the Corps of Engineers, and we have got to address it on all levels and all threats, as you have mentioned.

Senator Whitehouse. Thank you, and I know the Chairman shares my concern, because his State actually has shallower coasts than mine. The same sea level rise that is going to rise nine feet on my shores and do immense damage to my State is going to be even worse for Delaware, which not only is Chairman Carper's State, but there is also somebody you report to comes from that State.

Senator Carper. And it is not Chris Kennings. Could be, someday.

Senator Whitehouse, Delaware is the lowest-lying State in America. The highest point of land in Delaware is a bridge, and so we have grave concerns about these issues.

Maybe the best thing we can do it, once you have had a chance to settle into your new job, just to have an oversight hearing and come back and drill down on this, along with some other subjects, too. Thank you.

Senator Whitehouse. One with answers would be great, thanks.

Senator Carper. There you go. And now, Senator Inhofe. Thank you.

Senator Inhofe. Thank you very much.

Well, first of all, let me talk a little bit to Shari and Gabby. Don't worry about things today. This guy received a 100 percent vote in confirmation in the past. Not many people can say that. It is one that we have worked with very close together.

There are three issues, actually. Two of them are going to be asking for commitments, which I think should come, but I just want to make sure that is on record. The first one has to do with the WOTUS rule. Senator Capito had some concerns. I share those concerns.

I was very disappointed but not surprised that the EPA and the Army Corps have decided to repeal and replace the Trump-era Navigation Waters Protection Rule, but this isn't bad. That is not the end of it. We know what happens when we change administrations. We know that it is going to happen again.

The Obama-era WOTUS rule, which was the number one regulatory concern of my State, we are a farm State in Oklahoma, and their number one concern. Essentially, what the WOTUS rule did was take away from the States and give to the Federal Government that jurisdiction.

My people in Oklahoma, my farmers in Oklahoma, didn't think that was a good idea, and so that is still something that will be taking place. We are not sure how it is going to end up, and

if so, it won't be a lasting end, in my opinion. In June, the EPA released a statement saying the EPA and the Army Corps determined the Trump-era rule is leading to significant environmental degradation. Significant environmental degradation.

I know you are not currently at the Corps. Are you aware of any specific and significant degradation, environmental degradation, that would be tied to the Trump Rule?

Mr. Connor. Senator, I am not aware of any specific circumstances right now.

Senator Inhofe. I am not, either. If you feel one coming on, will you let me know?

Secondly, we have a levee system in my home City of Tulsa. It was built in the 1940s. It has survived. It had a real close call two years ago, and I think you probably heard from me about that. It did get attention all over the Nation, and we are concerned about that.

The WRDA, in 2020, authorized this project, and this was built in the 1940s. It is got to be modernized to fully protect \$2.2 billion in homes and businesses along the Arkansas river, including two refineries. I showed you and your staffs these refineries.

This was authorized by the WRDA bill in 2020. You are all familiar with that. It had joint jurisdiction between two

committees. It authorized this project, and I submitted a Congressional direct spending request to expedite design awards, so this project remains on the fast track.

My first ask of you is will you commit to ensuring this project remains a priority for the Corps?

Mr. Connor. Yes, Senator. You have my commitment. My understanding is that we have a significant amount of resources in the Fiscal Year 2022 budget, so I would like to continue the efforts working with you.

Senator Inhofe. I appreciate that, and I anticipated that would be the case.

The last thing I want to mention is the MKARNS. Recently, the Assistant Secretary of the Army Civil Works recently made the decision that the MKARNS Twelve Foot deepening project does not require new investment decision for the purpose of dedicating funds for construction. That was a major thing.

It was a very meaningful thing to Senator Boozman, to myself, and to a number of others, but deepening the MKARNS to the 12 foot, keeping in mind the entire channel would be 9 foot, but now changing it a very small amount would change it to a 12 foot channel. That will increase the load, the capacity by some 40 percent.

It is a huge thing there, and deepening that is now pretty much accepted to everyone. I just want to make sure that you

don't have any plan or any knowledge of anything that would come along and change that at this time, so I ask of you to commit to following this decision. This decision does not require new investment decision for the purpose of dedicating funds for construction, so will you commit to following this decision?

Mr. Connor. I am committed to following the decision. I am not aware of anything that would change that approach.

Senator Inhofe. That is fine. I look forward to working with you.

Mr. Connor. Thank you, Senator.

Senator Inhofe. You bet.

Senator Carper. Senator Stabenow is next. She will be followed by Senator Cramer and Senator Boozman. Senator Stabenow?

Senator Stabenow. Thank you, Mr. Chairman. I am going to follow up supporting comments of Senator Whitehouse's, but I do want to make one correction. Actually, the Great Lakes have more shoreline than the East Coast and West Coast combined. We have 4,530 miles; 3,458 miles on the East and West Coasts. So, we refer to ourselves as the ocean without the salt.

Wwhat you do is incredibly important and impactful. The Army Corps of Engineers, particularly right now, at the University of Michigan has put out a study saying that the Great Lakes are warming faster than the coasts, and I understand the

incredible urgency on the coasts, but we are feeling it. I could go on and on about what is happening right now.

I want to talk specifically about two important Army Corps projects that we really need to have even more of a sense of urgency on. One relates to one of our biggest threats on invasive species, which is Asian Carp, a great big fish. I never thought fish would keep me up at night.

This big fish that has no functioning stomach gets to a hundred pounds, and in the water, kind of destroys everything else when it gets into the Great Lakes. It is very close to the Great Lakes.

We have been operating for a number of years, working with Illinois and the Army Corps to stop these fish coming up the Mississippi River to a project that has been identified and is in the works, but needs to move faster, called the Brandon Road Lock and Dam. Senator Portman and I have led a bipartisan effort now for years to identify and create the technology that would be able to stop the fish, but allow the barges to continue to move up the rivers into Chicago.

So I appreciate the expertise of the Army Corps, but we have to have an incredible sense of urgency about the fish aren't waiting for us. They don't wait for an appropriation cycle, and the economic damage, as you were talking about, sort of how we put all this together and the economic damage of these

fish destroying \$7 billion fishing industry in the Great Lakes and \$16 billion boating industry is very serious, so that is one.

The other that is in process but I am also concerned about how fast it is moving is something called the Soo Locks, which allows major ships to come down the St. Lawrence Seaway from the oceans into the Great Lakes, and we built it in World War II. They actually did it pretty fast during World War II. They were able to start to finish, do it in a couple of years.

We are now looking at, it has been 20 years just to get to a point we are now funding the engineering of it in another ten, but we have one lock that will allow the big barges to get into the Great Lakes. This is all of our raw materials from manufacturing, for agriculture. If something happens to that lock, you shut down a major part of the economy, actually for the Country.

As the head of the Corps, can I count on you to work with us and to support in every way we can expediting these two projects that are critical for the economy of the Great Lakes?

Mr. Connor. Senator Stabenow, you absolutely have my commitment on that fund. With respect to the Asian Carp, I have seen that and have been watching the situation unfold for many, many years now. This, to me, not only the urgency of this situation, the work the Corps needs to do, but the whole of

government approach and the USGS has done a lot of the scientific work un support of this effort. It is an area where we need to bring folks together, and with respect to the lock system, we have seen just in the Suez Canal most recently what a few days means to international commerce, so we need to take care of this infrastructure.

Senator Stabenow. Thank you. You are exactly right; what happened in the Suez Canal can happen in our Country through the St. Lawrence Seaway and the Soo Locks. We are holding our breath at this point in time that it doesn't happen.

Let me just ask one other question in conclusion. Resiliency. The Great Lakes Basin, as our other coasts, very concerned. We are seeing high water levels, and literally shorelines falling in the water, houses falling in the water because of erosion, damage to agriculture. All kinds of serious issues.

But we have, for a number of years now, again, my partisan initiative to have the Army Corps do a Great Lakes resiliency study. We have had it in the budget. We have passed the authorization for it a number of years ago. Never been funded.

It is now in President Biden's budget. It is critical that this move as quickly as possible to assist our Great Lakes coast in being able to deal with what we need to do on infrastructure resiliency, and so I would ask for your support and any comments

on that.

Mr. Connor. Yes, absolutely my support. Obviously, because it is in the President's budget, and because given the urgency of the situation. There is obviously the impact of climate on water out west, which I am very familiar with, but I will become more familiar with later.

I am not sure there are any bodies of water more impacted than the Great Lakes with the fluctuations that are happening now, and the storm surges at high levels. So that resiliency study, I view that consistent with your views. It is incredibly important to move forward expeditiously.

Senator Stabenow. Thank you. I look forward to working with you. Thank you, Mr. Chairman.

Thank you, Mr. Chairman.

Senator Carper. Senator Stabenow, thanks for joining us. I think Senator Cramer is next, then followed by Senator Cardin, and then Senator Boozman.

Senator Cramer. Thank you, Mr. Chairman. Thank you, Mr. Connor. It was good to see you yesterday, and now in this committee. Today you don't have all those other military guys around you, you are on your own. But you are doing just fine. Shari and Gabriella, welcome and congratulations.

I enjoyed very much our conversation. It was hard not to nerd out a little bit on a couple of things. Sometimes I think

there are only a couple of us that know what we are talking about, then I find out, no, there is just one, and it is not me.

[Laughter.]

Senator Cramer. But I enjoyed it.

I want to start by asking a fundamental policy question, and really drilling down on some of those things that you just talked about with Senator Moore Capito. That is, of course, States' rights. You and I talked about it.

It is an area, I think for a lot of us, we in many cases, particularly out in the middle of the Country, maybe, feel a little bit isolated from things. Sometimes not just forgotten, but maybe getting too much attention from time to time. I know it is an issue that you dealt with, you grappled with obviously when you were the Commissioner for Reclamation, that was important.

Two of the most fundamental statutes that govern the Corps, the Flood Control Act of 1944, then of course the Water Supply Act of 1958, which expressly reinforced States' rights and reinforced historic policy of deferring to State water rights.

The Flood Control Act's declaration policy specifically states, "It is hereby declared to be the policy of the Congress to recognize the interests and rights of the States in determining the development of the watersheds within their borders and likewise their interests and rights in water

utilization and control.”

Similarly, the Water Supply Act reinforces: “It is declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes.”

So at the end of the Obama Administration, you and I talked about this, the Corps proposed what became known as the Water Supply Rule, which both Republican and Democratic western States adamantly opposed. I mean, adamantly, I mean unanimously, opposed. And it is not very often that Oregon and North Dakota are on the exact same page, or the attorneys general of those two States and the Governors of those two States will sign on paper their opposition to something. So when it comes, though, to messing with States’ water rights, we in the west get pretty serious and pretty united.

Thankfully, the rule was formally withdrawn under the Trump Administration, after this bipartisan blowback. With that in mind, I want to ask, do you believe that the Corps was right to withdraw the rule? If so, can you commit that it will not be proposed again, at least under your leadership?

Mr. Connor. Well, Senator, thank you. I greatly enjoyed our conversation. At the risk of being even wonkier, I will say the acts you just referenced are the same as Section 8 of the

Reclamation Act. So I am used to working under that regime.

I am not familiar with the specifics of the regulation that was proposed. I am very sensitive, though, to the concerns that you just raised, given the opposition, there can't be progress moving forward with something that has been rejected previously. So you have my commitment to looking into that issue and making sure that we work on something productive together.

I think coming up with something that is, I understand in our conversation, that is close to getting support necessary so that water resources can be allocated from those Corps facilities is incredibly important. We see it in the west-wide drought. It is no longer a regional drought; it is a west-wide drought. We need to, getting back to my overall objective, ensuring that these facilities have the maximum multiple beneficial purposes. I am happy to work with you on your approach.

Senator Cramer. Thank you. I appreciated your elaborating a little bit on cooperative federalism with Senator Moore Capito. It was refreshing to hear. So I won't dig into that.

But I want to go quickly to the Dakota Access Pipeline, which as you know originates in North Dakota, runs 358 miles through North Dakota, .21 miles of the 258 miles are being contested, as you know. You of course were the Deputy Secretary at the time of the protests when it was built.

I won't relitigate the whole thing. You know it very well. A lot of people know it very well. The issue now of course while the pipeline continues to function safely, move about, a little over half a million barrels of oil a day, 60 percent of the oil from the Mandan Hidatsa Arikara Nation flows on that pipeline. As you know, a judge here in D.C. ordered the EA to be replaced with an EIS. That is of course where the challenges come, from whether we shut the pipeline down while the EIS is done. It is not going to be shut down, as you know. It is legally sustainable now.

My question, though, is if you are confirmed, with this EIS continuing, and it is expected to be done in March of next year, that will determine a couple of things. One, whether the pipeline was sited properly, mostly sited by the State of North Dakota, other than this .21 miles under the Missouri River.

But do I have your commitment that you will do everything you can to keep politics out of the EIS process? Because I firmly believe the EIS will confirm the EA which was done by the Obama Administration.

Mr. Connor. Senator Cramer, yes. We need to move forward consistent with law and the very clear direction that the Corps has given to move forward with the EIS to do a thorough analysis, addressing the deficiencies that the Corps found. Those are legal questions, and they are technical questions that

need to be followed up. The district office is moving forward on a very firm schedule for completing that, I think in the spring of next year. I want to oversee that, and understand it, given the visibility of the issue and the importance of tribal consultation in moving forward.

So that is going to be the process. It is not going to be a political one.

Senator Cramer. Thank you.

By the way, you might have noticed just this week or late last week the first consultation with a tribe took place with the EIS.

Thank you, Mr. Chairman.

Senator Carper. You are welcome, and thank you.

Senator Cardin, thanks for rejoining us.

Senator Cardin. Thank you, Mr. Chairman.

Mr. Connor, I enjoyed our conversation. Thank you for your willingness to take on this important responsibility, and thank you for your family for sharing in the public service.

I want to start with what I think is one of the core functions of the Corps, and that is to keep our shipping channels safe and navigable. When I first started in politics, the location of dredged material was an extremely political and difficult subject. Careers were won and lost by location of dredged materials.

That is no longer the case, at least for the shipping channel into the Baltimore Harbor. We have been able to find locations that have used the dredged material for beneficial use. We have gone over Poplar Island, which is a restored island, an environmental success. The communities that are closest to it cheered the restoration of this island. The wildlife there is now fantastic.

We have our second location at Mid-Bay that is a priority for the Maryland Congressional delegation, and we will be seeking construction money in this budget cycle with the support of the Army Corps.

I mention that because you and I had a positive conversation. I just really want to get your input as to helping us move forward with projects such as Mid-Bay that will allow us to have a site for the dredged materials to keep our channels open and safe, but also restore the environmental community which helps us with the Chesapeake Bay and our environment.

Mr. Connor. Senator Cardin, thank you. I very much enjoyed our conversation, particularly about this set of projects with the beneficial use of dredged material.

I am going to express huge enthusiasm for the approach that you have taken for Poplar Island, and the other projects that are planned. I want to pause and say, given my enthusiasm, I am

quite aware of the backlog in the Corps' budget for authorized projects and the need for funding. I am certainly helpful that through the jobs package and the other work going on that there will be additional resources.

Because getting to the point, that project is fantastic. That concept is fantastic. The idea that we are going to enhance long-term commerce through the effective dredging program through the Port of Baltimore and other ports, and then use that material to build resiliency and to restore and address problems with the vigorous action, the surges, the erosion taking place because of climate change is just a win-win-win all around.

We need more of that. So you have my strong commitment that we will look forward to those opportunities and developing those win-win-wins.

Senator Cardin. Thank you. That is exactly what the leadership will need.

We talked also about Blackwater, where we used dredged materials to restore wetlands, which worked much more effectively than I think our engineers originally thought or expected, with success in a relatively short period of time. There is a cost issue, but when you weigh the environmental benefits, it really is the right investment and deals with resiliency and protection against erosion.

Let me go on to an issue that the Chairman mentioned in his original questioning, and that is the economic analysis when doing projects. Commercial activity tied to small challenges does not necessarily rise to the same level of funding priority among the Army Corps, because of the way the analysis is done.

But these small channels, we had huge backlogs in dealing with this, are incredibly important to local communities in dealing with their way of life, in dealing with the safety of their activities, recreational issues, et cetera, that again don't rise to the same level on your analysis.

We know there is a funding issue. We are going to do everything we can to give you the resources you need to make significant progress on the backlog. I would just like to get your help in working with the local communities, so that they have a realistic expectation as to when their projects can be funded and how we can best line them up for participation with the Army Corps.

Mr. Connor. Yes, Senator, you have my commitment on that front. I think we have focused on national benefits for quite a long time, whether it is the Bureau of Reclamation, whether it is the Corps of Engineers. And we have seen inequities as a result of that focus.

So now is the time, and I think once again this is an area that Congress has given pretty good direction in the last Water

Resources Development Act, through authorization of pilot projects for economically disadvantaged communities, through direction on re-looking at the benefit cost determinations and taking into local and regional benefits a lot more.

So you have my commitment; that is one of the challenges now is to expand the protections and the work the Corps does for the benefit of those economically disadvantaged communities that have been left behind.

Senator Cardin. I would just point out, Mr. Chairman, in closing, that is the livelihoods, the tourism, the recreational use in small communities are very much impacted by the work done by the Army Corps. So I just think as we always look at the major projects, and I am strongly in support of those, we shouldn't ignore the underserved smaller communities.

Thank you, Mr. Chairman.

Senator Carper. Thank you, Senator Cardin.

Senator Boozman.

Senator Boozman. Thank you, Mr. Chairman, very much.

Thank you for being with us, Mr. Connor. We do appreciate your willingness to serve in such an important position.

I want to talk to you about a couple of projects that are really important to Arkansas, in an effort to use our water resources as best we can. We are blessed with good water resources for the most part, but we have two projects going on,

the Grand Prairie Irrigation Project, and also the Bayou Meto Project.

What they do is they take surface water and use the surface water versus using our aquifers. We have two huge aquifers, the Alluvial and Sparta, and they cover that entire region of the country spreading up into Tennessee. They are the water supply for Memphis, areas like that, besides hundreds of thousands of acres for agriculture.

What they do is divert water from the White River and the Arkansas River that have an excess of surface water, divert that and use that as the irrigation water, versus taking it from the aquifers. We have spent hundreds of millions of dollars on these projects. The Corps has been very supportive through the years.

But in the last several years, things have languished. We are very close to completion. Really what I would like is really simple; just to get a commitment from you to come out in the not-too-distant future, look at the projects, and give us some advice as to how we can move things forward. Visit with us, visit with the stakeholders.

The Corps likes the projects. Again, it is just a matter of us kind of rolling up our sleeves and figuring out exactly how we can just put the last touches on so we can go forward and get them completed.

Mr. Connor. Senator, I would be happy to come out. This conjunctive use of surface groundwater and trying to find the right match to provide firm supplies but also protect the environment surrounding the area is incredibly interesting to me. I am happy; it sounds like a project that is well on its way. I would be happy to look at that.

Senator Boozman. Great projects. And again, protecting water, less energy use, the whole bit. Then again, our groundwater is so very important, trying to get those things recharged.

Mr. Connor. Yes.

Senator Boozman. I want to second what Senator Inhofe said regarding the Arkansas River and the 9-to-12-foot channel. Arkansas and Oklahoma are joined at the hip in those projects, for all for the reasons that you said, when you can increase a barge by 40 percent, what does that do as far as saving energy, efficiencies, things like that. So it is really important, lowering costs.

The other thing I would like to talk to you about, and I know you are getting bombarded with this, but it is so important. I am Ranking on Agriculture. WOTUS has been a huge burden to my State in the past, with the agriculture community. For years, it created so much uncertainty, it was difficult for farmers to plan.

The Farm Bureau, a grassroots organization, went through a Herculean effort to ensure farmers' and ranchers' voices were heard during the Obama Administration.

If confirmed, will you work with our cities, agriculture, State governments and stakeholders, to create a rule that won't get held up for years in the courts, and not creating this uncertainty that we have seen in the past with the farm community and so many others?

Mr. Connor. Senator, if confirmed, you have my commitment to doing that. Durability and longevity of a new rule will be a very high priority.

Senator Boozman. Thank you very much. And a huge challenge.

Mr. Connor. Yes.

Senator Boozman. But I hope we can work together to thread that needle, which is so, so very important for so many different reasons.

Again, I just want to, I agree with Senator Whitehouse in his concern for the Outer Banks, but also there is a lot of resources going into the inland waterways. When you count up all the streams and lakes and rivers and all that, it is a humongous amount of shoreline. So you have all kinds of problems regarding erosion there.

The way I see it is, there is lots of don't do this, don't

do that with our streams. There is lots of management from the State and Federal Government. That is not a bad thing, in the sense of, if it is done in the right way.

The problem is, there is no one that is really managing, taking care of it in the sense of providing resources that we need to prevent the erosion and things like that. So that is something else that we would like to work with you on.

Mr. Connor. Yes, absolutely. Those are important issues.

Senator Boozman. Good.

Thank you, Mr. Chairman.

Senator Carper. Thank you, Senator Boozman. Great to see you.

We have joining us by WebEx Senator Duckworth. We have also been joined in person by Senator Padilla. Welcome. Glad you could be here.

If no one else shows up, you will be the last, Senator, unless a Senator may come up with some questions. We might do that.

Senator Duckworth, are you there?

Senator Duckworth. Yes, Mr. Chairman. Thank you for holding today's hearing. Thank you, Mr. Connor, for your participation today.

In an increasingly competitive global marketplace, our inland waterways are absolutely critical to the economic well-

being of Illinois farmers, as well as other Midwest industries. Waterways are so important to our competitiveness that a handful of years ago, industry stakeholders banded together to secure from Congress a tax increase. Can you imagine? They asked for a tax increase on their own operations in support of investments to keep our locks and dams in good repair. That is something you just don't see every day.

The Corps of Engineers recently updated its capital investment strategy that prioritizes lock construction projects with industry stakeholders based on their importance and benefit to the Nation. In fact, in its 2020 report, the Corps and the Inland Waterways User Board rated Lock and Dam 25 and LaGrange Lock and Dam on the Mississippi River as part of the navigation and ecosystem sustainability program, known as NESP, as a Tier Alpha project, meaning they are among the Corps' top priorities for construction.

Mr. Connor, these projects are critical and must get underway as soon as possible. Will you commit to working with me to ensure that these projects receive a new start?

Mr. Connor. Yes, Senator, you have my commitment. I understand the importance and the work that has been recently on inland waterways, the trust fund, and the plans under that. I am happy to make the commitment to continue to work with you in that effort.

Senator Duckworth. Thank you.

As to urban flooding, WRDA 2018 directed the Corps to furnish a report to Congress on the Corps' ability to address urban flooding, an issue of increasing importance given global climate change and sea level rise. This report was due to Congress not later than one year after enactment.

But two and a half years later, I still do not have my report. If confirmed, will you commit to updating me on this effort within your first month as Assistant Secretary?

Mr. Connor. Yes, Senator, if I am confirmed, I commit to updating you on that report.

Senator Duckworth. Thank you.

Given your previous work on western water issues, you no doubt can appreciate a bureaucratic pickle when you see one. And I love pickles, but not this kind. I have another one for you. The Chicago District's Bubbly Creek project on the South Branch of the Chicago River. At question is whether or not the Corps can secure the liability protections needed to advance a cleanup of this contaminated area.

In the interest of time I won't delve into the specifics of this case. But the two federal agencies with a role in this matter, the Corps of Engineers and the U.S. EPA, clearly do not see eye to eye on the problem, and therefore have not identified a workable solution.

One agency believes this is a policy issue; the other agency believes this is a statutory issue. Will you commit to picking up the phone in the first two weeks following your confirmation and calling EPA Administrator Regan to address this impasse?

Mr. Connor. Yes, Senator, you have my commitment, if I am confirmed, to move forward with that. Removing bureaucratic hurdles to make progress is something I share a strong concern and appreciation for.

Senator Duckworth. Thank you. That is the aim, is to remove the hurdle. I don't want to have any finger pointing, I just want to find a solution to this.

And very quickly, I have just a little over a minute, just under two minutes left. Mr. Connor, I have a series of rapid fire questions. If confirmed, will you commit to reinforcing the importance of the Inland Waterways User Board with Secretary Austin and help to expedite his review so that the board can be reactivated as quickly as possible?

Mr. Connor. Yes, definitely. I will work with you on that, yes.

Senator Duckworth. Thank you. And WRDA 2020 includes several provisions reinforcing the Corps' support for Chicago's shorelines. If confirmed, will you commit to updating me on these efforts within the first month on the job?

Mr. Connor. Yes, I will, Senator.

Senator Duckworth. Thank you. Section 133 of WRDA 2020 authorizes the Corps to repair and rehabilitate federal pump stations that are in disrepair. If you are confirmed, I would like the list of pump stations on the Upper Mississippi that the Corps plans to prioritize. Will you commit to providing me with this list within a month of your confirmation?

Mr. Connor. Senator, yes. If confirmed, I will provide you with that list.

Senator Duckworth. Thank you. And finally, will you commit to visiting Illinois soon and touring some of our critical infrastructure projects?

Mr. Connor. I am sorry, I missed the commitment.

Senator Duckworth. Will you commit to coming out to Illinois and touring some of our infrastructure projects? I promise to get you some sweet corn while you are out there.

Mr. Connor. Yes, Senator, I commit to doing that.

Senator Duckworth. Thank you. I look forward to speaking with you again tomorrow.

Mr. Chairman, thank you so much. I yield back.

Senator Carper. Will that sweet corn extend to the rest of us, Senator?

Senator Duckworth. It is a deal, Mr. Chairman. You gave me extra time.

[Laughter.]

Senator Carper. Okay, we have been joined by Senator Padilla and Senator Markey, in that order. Senator Padilla, you are recognized.

Senator Padilla. Thank you, Mr. Chair.

Mr. Connor, good morning. I want to start by saying how grateful I am that someone with your experience with water and drought issues in California specifically is being nominated for this position. As I mentioned to you by phone yesterday, your reputation precedes you. I want to point out what an accomplishment it is to be so widely respected in California water worlds across a variety of stakeholders. If that is an indicator for how you will do in this position, we have a high, high expectation.

The Army Corps has been a great partner, not just to the State of California as a whole but specifically to my home town of Los Angeles. A devastating flood event in the 1930s prompted the Federal Government to assist Los Angeles County specifically in developing and expanding flood control infrastructure. The Sepulveda Dam, for example, along with Hanson Dam and Lopez Dams in the San Fernando Valley, which is literally my back yard, provide vital risk management of portions of the Los Angeles River. I look forward to continuing to work with you on these projects, particularly as there is this re-envisioning and

recreation of what the Los Angeles River should be capable of while it continues its flood control purposes.

I enjoyed our discussion yesterday by phone. I was also pleased to hear that climate resiliency is a top priority for you. With California facing an unprecedented drought and heat wave combined, literally as we speak, the increased resiliency of our water infrastructure will be a top priority of mine. I look forward to having someone who has the familiarity and experience with California in the Assistant Secretary's office.

There are other issues that I wanted to raise that have been asked already, so I will just add one specific topic. As you know, and as we discussed yesterday, the Scripps Institute of Oceanography has been working for years, together with the Corps, with the State of California, with a coalition of water districts particularly in southern California, as well as researchers to better integrate storm monitoring into how the Army Corps regulates water releases from dams throughout the State. It simply makes no sense that rigid water control manuals require dam operators to release water during a drought simply because a decades-old water control manual says so.

There is now wide support amongst the California delegation for the Corps to take into account modern hydrology and precipitation forecasts into its dam operations, especially as we face increased variability in rainfall. We have already

started seeing the benefits of this, both at Lake Mendocino in northern California as well as the Prado Dam in southern California.

So with the time remaining, I would ask if you can speak to the importance of the forecast informed reservoir operations program, and the need to update our water control manuals in the face of increasing variability in precipitation and the cycle of drought and flooding that are facing in California.

Mr. Connor. Senator, thank you for that question. I very much enjoyed the discussion yesterday. I absolutely agree that looking at resiliency, looking at a changing environment, that improved forecasting, monitoring, operations, is absolutely critical. We have been operating under rules that were developed in a time where the environment no longer reflects the assumptions that were made in putting together those rules.

This was a discussion that we had with the Corps when I was at the Bureau of Reclamation, Department of the Interior. It is obviously continuing. I think this is a great place to get the most bang for the buck, making the investments in those technologies, forecasting and monitoring, so that we can integrate those in operations, improve water supply or protection of communities, if we can better forecast those extreme events, and make progress while we are looing through the whole array of solutions that have to be in place. Some of

those are infrastructure; a lot of them are natural infrastructure. But we can't forget technology and our ability to manage water using information.

Senator Padilla. Thank you very much.

Thank you, Mr. Chair.

Senator Carper. Senator Padilla, thanks so much for joining us.

Senator Markey, good to see you.

Senator Markey. Thanks, Mr. Chairman. Thank you, Mr. Connor, for your willingness to serve.

So we have a big issue up in Massachusetts. On Cape Cod, the Bourne and Sagamore Bridges were built in the 1930s as part of a Franklin Delano Roosevelt Works Progress Administration plan. They have aged out. We need to replace these two bridges. It is very important, because 250,000 people who live on Cape Code depend upon those bridges. During the summer, that number can double, triple or quadruple in the number of people who use those bridges.

The Army Corps of Engineers operates these bridges. They are the ones who are responsible for them. So we need to replace them, and they are absolutely critical to the long-term well-being of our commonwealth.

The Army Corps specifically signed a memorandum of understanding with the Massachusetts Department of

Transportation back in July of 2020 formalizing a federal-State partnership to deliver two new bridges for the people of Cape Cod. Implementing this agreement will fall now to the Biden Administration and to the Army Corps. Every year which we delay is going to lead to more traffic, more costs, more danger when inevitable storms strike the region.

Mr. Connor, are you willing to work with us, the Army Corps, in order to make sure that we are able to replace the Bourne and the Sagamore, and to create for the 21st century a guaranteed capacity for people to get access on and off Cape Cod?

Mr. Connor. Senator Markey, I am not previously familiar with this project, but given its importance, as you have outlined, I am happy to work with you in moving forward and seeing what we can do to ensure that that project is taken care of.

Senator Markey. Thank you. And again, it is something that requires the Chairman and the other members of Congress here to provide additional federal funding, and we are working hard on that in order to make sure that for that project and for so many other projects in the Country that we have the capacity to work on it.

Just following up on what Senator Carper and Senator Whitehouse talked to you about, coastal protection, Delaware,

Rhode Island, Massachusetts, but all of us are seeing rising tides, we are seeing massive erosion, we are seeing intensification of the storms which are impacting us. In New England, we have the second fastest warming body of water on the planet. After the Arctic, we are second, in the Gulf of Maine. And that is Maine, New Hampshire, Massachusetts, Rhode Island. So that warming is causing tremendous danger being created.

We want to work with you in order to make sure that we deal with these issues. For example, under a business as usual scenario over the course of this century, for the city of Boston, the sea rise could go as high as seven additional feet if we don't take action.

So from our perspective, we need help and in light of those concerns, could you explain how, again, following up on Senator Carper and Senator Whitehouse, how you are going to enhance comprehensively and expand the capacity of the Army Corps to combat these threats to coastal communities in the United States?

Mr. Connor. Thank you, Senator. Overall, my approach in thinking through how, if confirmed, I would want to approach the huge number of needs versus the resources, one, I discussed this earlier a little bit, given that backlog of need out there I am certainly hopeful and appreciative of the fact that Congress, in working with the President, is looking at the infrastructure

investments that can be made.

But assessing the risks out there, the vulnerabilities that exists are going to be a high priority in assessing how to prioritize the resources we do have. So understanding the risks associated with the body of water that you talked about, the energy involved in the warming body of water and the storm surges that that is going to cause, that is going to be a very high priority. Because I think that is fundamental to being effective in allocating resources and addressing resiliency, is to best understand the risks involved.

So I am very happy to delve more deeply into the issues that you are talking about, as others, in assessing the coastal risks versus inland risks, et cetera, and trying to make good judgments about where to invest resources.

Senator Markey. One of the concerns, obviously, that we have, and I have been working with the Army Corps on developing a comprehensive study for addressing Boston's climate resiliency, we are right in the crosshairs of this climate crisis. It is coming right for us. Again, we are going to need to work with the Army Corps to put in place the protections which we need.

The same thing is true, by the way, for Newburyport. Newburyport, Plum Island, it is just so vulnerable right now. The numbers are scary. Twenty percent of Newburyport falls

within FEMA's 100-year flood zone with the risk exacerbated even further for the oceanfront residents. So that is why I have been pushing the Army Corps to urgently address worsening shoreline erosion in that vulnerable community as well. And I want to work with you on the Newburyport issue. Because again, it is not their fault that the ocean is warming right off their coastline. Any one of these storms could have absolutely catastrophic consequences. If Hurricane Sandy had just moved a few more degrees, we would still be digging out of Martha's Vineyard and Nantucket and the city of Boston and Newburyport. We would still be recovering from it. It would be catastrophic.

So we want to make sure that we undertake additionally critical work to shore up the sea walls that can prevent these surging tides. This committee also has a concomitant responsibility to ensure that we are funding the solutions to this climate crisis. Under the leadership of the Chairman, we are going to be doing that this year.

But we are going to need to partner with you at the Army Corps. We are totally dependent upon you in the State of Massachusetts.

Mr. Connor. Absolutely, Senator. I look forward to working with you on these issues if I am confirmed.

Senator Markey. Thank you so much. We are looking forward to working with you as well.

Mr. Chairman, thank you so much for giving me that opportunity.

Senator Carper. I should thank you, and I do.

All right, I am not sure if we will have any of our other colleagues to join us. Senator Capito has gone off to the Appropriations Committee, I believe, and Senator Sullivan is trying to get here. We will see if he makes it.

In the meantime, I have about 14 more questions.

[Laughter.]

Senator Carper. Not really. I have several more, though. Are you doing all right?

Mr. Connor. I am doing all right, Senator. My time is your time, Senator.

Senator Carper. I want to give great credit to your wife and daughter for sitting here and supporting you through this grueling examination. This is friendly, as you can tell, a friendly hearing. We have some that aren't quite as friendly. But this is an encouraging thing.

A couple more questions, if I may, one of them dealing with the relationship with OMB. Very often on this committee we hear from multiple sources, as you might imagine, about the sometimes tense relationship between the Corps and the Office of Management and Budget. There is a lack of transparency about how the Assistant Secretary of the Army for Civil Works and

Corps recommendations for a proposed budget are considered by OMB. Many times Senators, you heard a little of this today, many times Senators feel that these recommendations are ignored or even overridden by OMB. This is what happens time and time again, inequity between coastal and inland funding.

My question is this. How might you as Assistant Secretary of the Army for Civil Works improve the relationship with OMB and bring a bit more transparency to the budget process?

Mr. Connor. Thank you, Senator. I think it is a huge, an important question and it is a huge issue. I say that because it is one I am very experienced in during my tenure at both running the Bureau of Reclamation and the Department of Interior, as its CEO.

Working with OMB and trying to have my priorities be its priorities involved a lot of patient dialogue. It wasn't always successful, but I will say that through that process of engagement and not challenging, but wanting to go back and have discussions when decisions were made that were not reflecting the priorities that I thought should be in place, I found was very productive with folks at OMB, having the staff that worked for me engaged with staff at OMB and then taking it up and having the discussions at the leadership level when things were teed up.

It is a process that sometimes you can make immediate

progress on certain issues. I am happy to say that some of the things that we worked on in 2014, 2015, 2016, didn't see the light of day until this most recent budget. But clearly they got internalized at some point, some of the Indian Water Rights initiatives at Interior, et cetera, so we could make progress in the short term through engagement, and we can maintain progress and hopefully build on that in future. That is what we need to do.

If I am confirmed, you have my commitment to engage in that process. I think it is critical for the Army Corps of Engineers. It is critical for members of Congress to understand how decisions are being made. I think at the end of the day it leads to better decisions with the allocation of budget resources.

Senator Carper. I think you are right.

Second question. Stakeholders and sponsor collaboration with the Army Corps of Engineers is a critical component in solving today's water resources challenges. It helps to limit the cost of missed opportunities, it promotes better planning, it provides better transparency and results and more fiscally and environmentally sound projects.

The Corps unfortunately has been limited in its outreach methods to promote stakeholder development in a number of disadvantaged communities. My question is what more could or

should the Corps be doing in terms of collaboration with non-federal stakeholders, including those in disadvantaged communities?

Mr. Connor. Senator, it is a huge challenge for the Corps, not because I think there is not a commitment there, but just given the over-subscribed nature of the projects and the works that are already in place. And quite frankly, I have had these discussions with General Spellman at a very high level at this point in time about the challenges to the workforce itself in doing the work that it is expected to do.

So notwithstanding all of those demands, I see, and I think the Corps in my discussions so far certainly sees the direction that has been given by Congress to do the outreach to disadvantaged communities to look at cost benefit differently, to carry out pilot projects that will allow them to engage in those projects and bring the talents and the expertise and the protections and the value of the projects that the Corps can work on with those communities. They see it, I see it, and it will be a high priority in this next Administration. My sense is that there will be resources allocated specifically in this area and with that, there is no excuse for not moving forward and trying to engage with these communities.

Senator Carper. All right, thank you.

We talked a bit in a conversation earlier this week about

natural infrastructure, using natural infrastructure, where can nature-based infrastructure as opposed to man-made infrastructure as an integral part of the Corps' project deliver process. Congress has been very clear about moving these concepts forward. But the incorporation of these features into water resources projects is still the exception rather than the rule.

How might you as Assistant Secretary of the Army for Civil Works ensure that Corps planning and engineering standards are updated to incorporate these principles into the normal project delivery process?

Mr. Connor. Thank you, Senator. I think what I can do from my position, if I am confirmed, is to prioritize the need to integrate nature-based solutions, natural infrastructure, wherever we can and wherever it makes sense. There is a direction that needs to be in place to always look at that option. Two, to ensure that we ensure all the options available. Once again, this is a discussion that I have had in preparation for these hearings, is the need for more research and development in this area.

We know in some cases where we can move forward. The beneficial use of dredged material I think is one of those opportunities. The integration and coastal protections of natural materials as well as traditional concrete and brick and

mortar type infrastructure I think has been used.

But clearly, from a cost efficiency standpoint and an opportunity standpoint, we need to do more of that. In looking at flood risk management and looking at trying to slow down water in various ways, how do we build more backwaters, how do we build more access to floodplains, not only to get the benefits of the protections but to infiltrate groundwater, depleted groundwater aquifers that are necessary for water supply, that are necessary for their cooling effects later on in the year, in the summer when waterflows dip.

There are just so many opportunities to integrate these natural solutions and get multiple benefits that it will be a high priority to ensure we are always looking at it, and a high priority to better understand the research and development and pilot projects, how we can move forward with that type of integration.

Senator Carper. Thank you for your response. That is an important issue to us, not only to the First State, but to a lot of other States as well, as you know.

Probably my last question of this morning will deal with the Corps budget. This is a subject others have raised already, and you have commented on it, too. Once I have asked that question and you have answered it, if no one else joins us, Senator Sullivan is trying to, we will see if he can make it.

But if he doesn't, then I will ask you if there is anything you want to say.

There he is, all right. Colonel, welcome aboard. If you are ready, I can yield to you now. Senator Sullivan, from the great State of Alaska.

Senator Sullivan. I am ready.

Mr. Connor, thank you. Thanks for waiting. I am sorry about my late arrival here. We had an opportunity to ask some questions yesterday in front of the Armed Services Committee. So you get two rounds.

Senator Carper. That is what we call a double shot, with apologies to Junior Walker and the All Stars.

Senator Sullivan. Again, I appreciated our discussion the other day.

Let me go into this one topic that I think is actually a very important one. The budget that the President put forward for the Corps of Engineers effectively prohibits funding for Army Corps projects that "facilitate the transportation of fossil fuel products." Now, you and I kind of did a quick little back of the envelope estimate. That is probably at least 50 percent of all Corps of Engineers projects.

Let me give one example. I know that in the Boston area, they import a lot of LNG from Russia. Very bad policy, by the way, the State of Massachusetts. They would rather import gas

from Russia, our adversary, than Americans who produce gas in Pennsylvania.

As far as I can tell, this reading wouldn't allow you to dredge Boston Harbor or do any work there. Do you agree with this? And what do you think the implications are of a policy that prohibits the Corps from any, any project that transports fossil fuels?

Mr. Connor. Senator Sullivan, I appreciated the discussion, the heads-up on this particular matter when we talked the other night. I don't believe that is a policy. I did go and find the language that I think you are referring to. I am not 100 percent sure.

My understanding was that in the budget there was language talking about considerations made in the development of the budget of which one of those was to limit subsidies that the Corps would provide for oil and gas, facilitating oil and gas operations. So first of all, I understand it was a discussion about the consideration. It was essentially directed toward subsidies. Moreover, it is a policy document in which there was this language trying to explain how the overall budget was developed.

So from that standpoint, I don't believe that is the policy, that it has the breadth of issues that we, you and I, were discussing the other night. Second of all, I can just

assure you that in making decisions about how to allocate resources, I am going to be focused on the applicable statutes laws that apply, the appropriations provided by Congress, and the direction on how to use those appropriations. That is going to, as I see it, and I did go through the budget after we talked, it is directing that a lot of these activities related to commerce and ports and waterways and transportation needs are going to continue in full force.

Senator Sullivan. So let me just read some of the language. It says, "No funding for work that directly subsidizes fossil fuels including work that lowers the cost of production, lowers the cost of consumption or raises revenues retained by producers of fossil fuels." So do you agree with that?

Mr. Connor. That is a little bit different language than I have seen.

Senator Sullivan. I am reading the budget.

Mr. Connor. I understand. I need to go back and look at that specifically.

Senator Sullivan. Look, I am a huge believer in what the Corps does. Their mission is to build things. A lot of what they do is transportation. A lot of what they do is pipelines. A lot of what they do -- we still need energy in America. There is a far left element of the Biden Administration that thinks we

can get rid of fossil fuels. We can't. Okay? We can't. You will crush the economy.

By the way, there is a lot of discussion of union jobs in here. You will kill millions of union jobs. The President is already pretty good at that.

So I just need your commitment that this kind of policy makes no sense and it is a huge, huge component of the work that the Corps of Engineers does. Right now, the President's budget is telling and directing you, you can't do a lot of the work that you traditionally do. I just think it is a really big issue, Mr. Chairman, that we need to look at in detail. A number of us are going to be writing the head of OMB, in the next day or two, to ask direct questions about this topic.

But can I get your commitment to work with me and others on this committee who care about the delivery of energy and the men and women who produce it, many of whom are union members, and not discriminate, particularly with regard to the Corps' mission on projects that help us deliver energy to Americans, particularly when gasoline prices right now are skyrocketing, hurting working families?

This is all going to contribute to that. I would like your commitment to work with me and this committee on this topic. It is a really, really important topic. I don't think it is a partisan topic. I don't think EPW members want to have a policy

that says, you cannot help with the transportation or consumption of energy. We need energy in America. I know some of the far left Green New Dealers don't think we do, but we do.

Can I get your commitment on that?

Mr. Connor. You have my commitment to work with you, this committee as a whole, to carry out the Corps' mission, to continue to do those projects and maintain waterways and to continue to rehabilitate --

Senator Sullivan. How about pipelines?

Mr. Connor. And pipelines, we will move forward with our permitting responsibilities consistent with the Clean Water Act, be transparent and do the full analysis. I am happy to continue to work with you in those areas and to continue that work in the way it is directed under the existing laws.

Senator Sullivan. Mr. Chairman, may I ask one final question?

Senator Carper. Yes. I would ask you to be brief. I think we are about to start voting. Then I want to ask one more question myself.

Senator Sullivan. We had a really good discussion the other day, and again, I appreciated all the time that you had in my office, as it relates to permitting. Again, I think that this is pretty much a bipartisan issue. We had some good language on permitting reform here in this committee when we

marked up the Highway Bill. The Corps has a can-do mission oriented focus on building things.

But when it takes nine years to permit a bridge, over nine to 19 years to permit and build a highway in America, those are averages, it really, really undermines our ability to put people to work and build the infrastructure you need, we need as a Country.

Can I get your commitment to work with this committee -- you and I had a good discussion about this -- on permitting reform, not to cut corners, but to get to projects in an efficient, timely manner? As you know, and Mr. Chairman, we have talked about it in this committee, if we have efficient, timely permitting, we are also going to be able to get millions, billions of dollars off the sidelines from the private sector that will invest in these kinds of infrastructure projects. But they won't invest if it is a 10-year permitting timeline.

Can I get your commitment to work with us, this committee and me, on those important issues?

Mr. Connor. Senator, yes, absolutely. This will be a high priority to do our part, if I am confirmed, to make our permitting system more efficient. That means collaborating, coordinating with other agencies that are involved, and getting even to another place that you and I talked about, mitigation banking and other opportunities. When you bring those in, and

you create more opportunities to deal with the impacts of projects, I think that also helps to address, creates at least the opportunity to do permitting more efficiently and move it forward.

So I am a big fan of the Federal Government working with others to be more efficient in this process. That is a longwinded answer to your question, yes, you have my commitment.

Senator Sullivan. Great. Thank you.

Thank you, Mr. Chairman.

Senator Carper. Thank you for joining us. You are worth waiting for.

Mr. Connor, one last question if I could. Have you ever heard of a comic strip, Pogo?

Mr. Connor. Yes, sir, I have.

Senator Carper. I think one of the strips was, the fellow would say, we have met the enemy, and it is us. We have met the enemy and it is us. When I hear my colleagues and I ask questions about the level of funding for the Army Corps to do its many, many different works across the Country, I am reminded of Pogo.

But as you know, the Congress typically funds the Army Corps of Engineers at levels actually above the President's request. I think the fiscal year 2021, the last Administration, their request was something just under \$6 billion. A lot of

money. Congress ended up providing -- it was not nearly enough. And Congress ended up providing close to \$8 billion for the current fiscal year.

And while those numbers appear to be large, they are large, the Corps has not made a significant dent in the project backlog. I estimate it to be nearly \$109 billion. Some observers have said the Corps needs an even larger investment of up to \$140 billion, when the full scope of project needs is considered.

Will you, if confirmed, will you advocate in this work with us, work with this committee to see if we can't convince this new Administration to help us increase the Corps' budget to support Corps missions and local needs? As you know, this budget process, President's request, and the Congress debates and appropriates monies. It would be helpful to have an Administration which actually is aware of this need and to make sure that when they prepare for their budgets in the future it is reflective of those needs.

You have made a lot of commitments today, but I am asking if you would commit to advocate and work with us to increase the Army Corps' budget to support the needs, the many needs and missions the Corps' expected to meet? Would you?

Mr. Connor. Mr. Chairman, if I am confirmed, you have my full commitment to elevate these issues, discuss them rigorously

within the Administration and to work with you and the committee members in that effort. I am happy to do that.

Senator Carper. All right. Thank you.

I indicated a bit earlier that I would give you a little bit of time here at the end. Anything else you would like to say, just in summarizing?

Mr. Connor. No, sir, I think I have said enough today.

Senator Carper. My thanks to you for your willingness. Let me see if I have anything else.

Thank you so much for joining us today. Thank you for your willingness to serve our Nation. And my thanks again to your family, to your wife and daughter, because you serve too. It is not just your husband, not just your dad.

We are proud on this committee of our record of bipartisanship. I like to say that we are workhorses here on this committee, not show horses. I am delighted that the record has been demonstrated by our consideration of the President's nominees for this Congress and today's hearing continues that effort. We look forward to hearing more from you in the days and weeks ahead.

Senator Capito has had to leave. She sends her best, and joins me in thanking you for coming today and for all your responses.

Before we adjourn, a little bit of housekeeping. I want to

ask unanimous consent to submit for the record a variety of materials that include letters from stakeholders, and other materials that relate to today's nomination hearing. Senators will be allowed to submit questions for the record through close of business on Friday, July 16th, that is this Friday. We will compile those questions and send them to our witness, and ask that you reply to them by next Wednesday, July 21st.

With that, this hearing is mercifully adjourned. Thank you.

[Whereupon, at 11:39 a.m., the hearing was adjourned.]